

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DAVANTE DAVIS,

Plaintiff,

-against-

ORDER  
18-CV-5440 (JS) (AYS)

NASSAU COUNTY SHERIFF  
DEPARTMENT,

Defendant.

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APPEARANCES

For Plaintiff: Davante Davis, pro se  
18003374  
Nassau County Correctional Center  
100 Carman Avenue  
East Meadow, NY 11554

For Defendants: No appearances.

SEYBERT, District Judge:

On September 26, 2018, incarcerated pro se plaintiff Davante Davis ("Plaintiff") filed a Complaint in this Court. However, Plaintiff did not remit the filing fee nor did he file application to proceed in forma pauperis. Accordingly, by Notice of Deficiency dated September 27, 2018 (the "Notice"), Plaintiff was instructed that, in order for his case to proceed he must, within fourteen (14) days, either remit the filing fee or file the enclosed application to proceed in forma pauperis and Prisoner Litigation Authorization form ("PLRA"). (See Notice, Docket Entry 2.) The Notice was sent to Plaintiff at the Nassau County

Correctional Center and his residence address which is included in the Complaint, 23 Bank Street, Valley Stream, New York.

To date, the Notice has not been returned to the Court and Plaintiff has not complied nor has he otherwise communicated with the Court. Accordingly, it appears that Plaintiff is no longer interested in pursuing this case and it is thus DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of the Court is directed to CLOSE this case and to mail a copy of this Order to the pro se Plaintiff at both of his addresses.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

SO ORDERED.

/s/ JOANNA SEYBERT  
JOANNA SEYBERT, U.S.D.J.

Dated: December 14, 2018  
Central Islip, New York